

APPENDIX FFA 2 : PLANNING APPLICATIONS ERUV 1 AND 2

ERUV 1

A3.1 An application for planning permission for the erection of groups of poles (usually 2) between which is suspended at high level a wire, to designate the perimeter of a nominated "Eruv" within parts of Barnet was submitted by Alan Perrin, agent for the United Synagogue Eruv Committee, on 10th July 1992.

A3.2 The details of the application were the subject of considerable discussion and liaison between Council Officers and the appellants and their agent both before submission and during the processing of the planning application. This is well documented.

A3.3 The application was considered by the Council's Town Planning and Research Committee on 24th February 1993. The Controller of Development Services' report was by any standards lengthy being well over 100 pages long and contained a full appraisal of the proposal including all letters submitted by objectors.

A3.4 Having regard to the provisions of the development plan and other material considerations the Controller of Development Services recommended that planning permission should be granted subject to a number of conditions.

A3.5 In putting forward this recommendation the Controller of Development Services pointed out to his members that

"Whilst ... the proposed Eruv has aroused strong feelings within the community both for and against ... many of the reasons cited have no direct relevance to planning and in reaching a decision on this application the Committee should only take into account material planning considerations."
(Paragraph 8.3.1 of the Committee Report).

A3.6 Paragraph 8.3.3 reported the observations of the Council's Controller of Engineering Services as confirming that the Public Works Committee had agreed in principle to the establishment of an Eruv and the granting of a licence for any necessary street works on the public highway for an initial period of 1 year.

A3.7 Comments from the Controller of Legal Services were reported in paragraph 8.3.5 and confirmed his view that there is power under highway's legislation by which poles can be placed on the public highway.

A3.8 The Town Planning and Research Committee decided not to accept the Controller of Development Services' recommendations and resolved to refuse planning permission for the following reasons:-

"01

The proposed poles and wire would result in the introduction of additional street furniture which would be visually intrusive and detrimental to the character and appearance of the street scene contrary to policies G1, G2, G3 A and D, G18, T1.1, T2:1 and T3.1 of the Unitary Development Plan.

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The proposed poles and wires along Wildwood Road by reason of their size, number and general appearance would be visually intrusive, impair the continuous landscape of Turners Wood and the adjoining Meadow Land and cause demonstrable harm to the environment of a Conservation Area of national importance".

A3.9 An appeal against this decision was lodged on 4th May 1993.

A3.10 It should be noted that this application had originally been submitted on the basis that thin 0.3mm wire would be used. However, at the request of the Council following observations from the Royal Society for the Protection of Birds (RSPB), a thicker visible wire was substituted, the application was amended to relate to the thicker visible wire, and the application was considered on that basis.

A3.11 Subsequent correspondence suggests that the RSPB do not object to the thinner wire; and there should therefore be no reason why planning permission should not be granted in respect of the first application subject, if necessary, to a condition that the thin 0.3mm wire be used.

ERUV 2

A3.12 Subsequent to the lodging of the appeal, on 7th June 1993, a further application for planning permission for the installation of street furniture comprising groups of poles (usually 2) connected by thin high level wire at various locations within the London Borough of Barnet was submitted by my firm on behalf of the United Synagogue Eruv Committee.

A3.13 Covering correspondence drew the Council's attention to 2 main changes incorporated in the revised proposals, the previous misinterpretation of the RSPB's objections enabling the proposals to use thin virtually invisible 0.3mm wire, and the proposed use of existing lamp-posts in the Wildwood Road area to reduce the number of poles proposed for this location to 2.

A3.14 An appeal against the Council's failure to determine this appeal in the statutory 8 week period was lodged on 12th October 1993.

A3.15 Subsequently on 27th October 1993 the second application was considered by the Council who resolved that had an appeal not been lodged against the non-determination of this application it would have been refused for the following reason:-

"The proposal would result in the introduction of additional street furniture which would be intrusive and detrimental to the appearance of the Hampstead Garden Suburb Conservation Area and the street scene in other parts of the London Borough of Barnet contrary to policies G1, G2, G3A, and D, G18, T1.1, T2.1 and T3.1 of the Unitary Development Plan".